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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,423	07/09/2003	Toyoshi Yasuda	S011-5068	1259

7590

06/24/2004

ADAMS & WILKS  
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New York, NY 10004

EXAMINER

BASINGER, SHERMAN D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,423

Applicant(s)

YASUDA ET AL.

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/9/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Post et al in view of Ichihashi.

Post et al discloses an outboard motor comprising

an engine 7,

a propeller 8 to be driven by the engine,

a drive shaft within drive shaft housing 6 for transmitting a driving force from the engine to the

propeller,

casing means 6 for supporting the engine and rotatably housing the drive shaft, and

a cover formed by the cowl structure forming at least a part of an engine space housing the engine,

the cover comprising

a cover body made up of cowl structure 10-12 and

a frame assembly 13 integrally fixed to inside surfaces of the cover body through bolts 52 and 97.

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Post et al does not disclose that the cover body and the frame assembly are made of resin.

Ichihashi discloses that the under cover 23 and the bottom cover member 54 can be made of resin. See column 3, lines 49-51. In view of this teaching, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make both the frame assembly and the cover body of Post et al of resin. Motivation to do so is to provide a lighter outboard motor due to the cover member and frame assembly being made of resin as opposed to metal and to provide a cover and frame assembly more resistant to corrosion.

The holding portions of claim 2 receives bolts 52 and bolts 97 of Post et al.

The lower cover of claim 3 is 11 and the upper cover of claim 3 is 12, both of Post et al. As clearly shown in figure 2, the lower cover has flanges sealing against the lower edge of upper cover 12 and serving as fixing portions for the frame assembly by receiving bolts 52.

The parts of the frame assembly of Post et al which function as a flange at a bottom periphery of the engine space are flanges 51 and 55 shown in figure 3.

The lateral frame members of claim 6 are the upper frame members formed by the sides of intermediate frame member 15 and lower portions 53 and 54 of figure 3 of Post et al. The plurality of vertical frame members connecting the upper and lower lateral frame members are the vertical flanges receiving the bolts which connect the rear frame member and the intermediate frame member.

***Allowable Subject Matter***

3. Claims 5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Claim 5 is indicated as containing allowable subject matter because Post et al taken alone or in combination with any of the other prior art of record does not suggest or fairly teach an outboard motor as defined in claim 1 wherein frame members constituting parts of the frame assembly contact or engage a peripheral portion of a mounting case substantially constituting a bottom of the engine space, thereby constituting the bottom of the engine space within the cover body.

Claim 7 and the claims depending therefrom are indicated as containing allowable subject matter because Post et al taken alone or in combination with any of the other prior art of record does not teach or fairly suggest an outboard motor as defined in claim 1, wherein the cover has a cover body forming the engine space housing the engine, and drain passages extending from the inside of the cover body to the outside of the cover body, the drain passages having inlets facing the engine space and outlets facing the outside of the engine space, the inlets and outlets being provided in positions distanced vertically and also distanced laterally of the outboard motor.

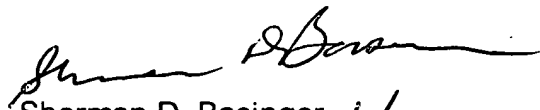
**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haman is cited to show the lower motor cover. Idzikowski is cited to show the cowls sections 32 and 34.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
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sdb

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